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**LOGGED**  
MAR 04 2008 5:00 PM  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
MAR 06 2008  
at 2 o'clock and 15 min.  
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,

Plaintiff,

vs.

MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security;  
JOHN DOES 2-5,

Defendants.

) CIVIL NO. 04-00671 HG/LEK  
)  
) **PLAINTIFF'S EX PARTE**  
) **MOTION TO SHORTEN TIME**  
) **FOR HEARING ON PLAINTIFF'S**  
) **MOTION TO HAVE WITNESS**  
) **TESTIFY BY VIDEO OR TO**  
) **CONTINUE TRIAL;**  
) **DECLARATION OF COUNSEL;**  
) **PROPOSED ORDER;**  
) **CERTIFICATE OF SERVICE**  
)  
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**TRIAL DATE: March 11, 2008**

**TIME: 9:00 a.m.**

**JUDGE: Hon. Helen Gillmor**

**PLAINTIFF'S EX PARTE MOTION TO SHORTEN TIME FOR**  
**HEARING ON PLAINTIFF'S MOTION TO HAVE WITNESS TESTIFY**  
**BY VIDEO OR TO CONTINUE TRIAL**

MAR 04 2008 PM 5:00 US DC

COMES NOW, Plaintiff RAYMOND WARE, by and through his attorney, Daphne E. Barbee, and moves this Court, ex parte, for an order shortening the time for hearing on his Motion to allow witness Allen Willey to testify by video or to continue the trial date, which is presently scheduled for March 11, 2008, due to his poor health and physician's request filed herewith. This Motion is made on the grounds that good cause exists for a shortened time for hearing, as presented herein.

This Motion is based upon Rule 7 of the Federal Rules of Civil Procedure, Rule 7.5 of the Local Rules, the attached Declaration of Counsel, the attached Motion to allow witness Allen Willey to testify by video or to continue the trial date; Exhibits 1, 2 and such further information as may be presented at a hearing on the Motion.

DATED: Honolulu, Hawaii, 3-4-08.

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DAPHNE E. BARBEE  
Attorney for Plaintiff